

Attorney Docket: JWB-2001-1-P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Harold Mermelstein et al.
Serial No. : 10/037,526
Filed : January 4, 2002
For : Composition and Method for
Treatment of Vaginal Dryness
Art Unit : 1615
Examiner : Thurman K. Page

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AMENDMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

SIR:

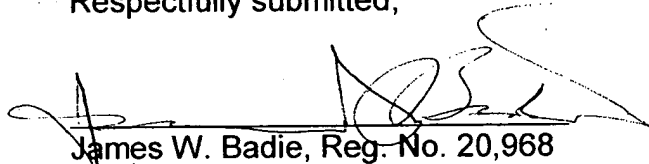
In response to the Office Action dated March 14, 2003, applicants hereby restrict the present application to the invention defined by claims 1-12 and 16-30 in Group I of the action. This restriction is made with traverse, for the purpose of examination.

Applicants disagree that the product claims in Group I define an invention which is distinct from the invention defined by process claims 13-15 and 31. Separate classifications do not necessarily support restriction requirements. In the present application, the product claims are specifically used in the process defined by the claims in Group II. Therefore, withdrawal of this requirement is requested.

The Examiner has also required that applicants elect, under 35 U.S.C. 121, a single disclosed species in Group I or in Group I (sic, II). See Office Action of March 14, 2003, page 3, numbered paragraph 5, lines 1-9. In accordance with a telephone conversation with the Examiner on April 3, 2003, applicants hereby elect the species defined by claim 4 which relates to a therapeutic composition wherein the herbal compounds are evening primrose and chasteberry. Claim 1 is generic to claim 4 in that claim 1 recites several combinations of herbal compounds, one of which is evening primrose and chasteberry

Accordingly, reconsideration is required of the restriction requirement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Badie', is written over a horizontal line.

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